

## REMARKS

Claims 1 –19, 23 – 25, 28, and 31 are canceled. Claims 36 – 48 are added with no new subject matter believed to be added.

The Examiner rejected a number of claims under 35 U.S.C. 102(e) as being anticipated by USP 6978127 issued to Bulthius et al that describes a hand held information processing device having a thumb wheel that lets a user scan a circular array of options each of which is represented by a respective audio output that gets played out when the wheel is turned a notch up or down (at Abstract). Firstly, Bulthius describes a user interface that takes the form of a mechanical thumbwheel that can only serially rotate in a clickwise or counterclockwise manner. By serial it is meant that a user must pass through every possible selection between a starting point and a selection point. For example, if the user wishes to select NINE and the user is currently at a position corresponding to FOUR, then the user must go through FIVE, SIX, SEVEN, and EIGHT to get to NINE in one direction, and THREE, TWO, ONE, ZERO, and TEN in the other direction. In this way it is not possible to go directly from FOUR to NINE. As a matter of fact, Bulthius teaches away from any other user input form other than mechanically rotatable forms such as the clickwheel 106 (such as keypad type inputs, “It also allows for a form factor smaller than that of a conventional mobile phone since a keypad is not needed for entering digits...” at Abstract).

In contrast the invention as recited in amended claim 20 recites:

- a display device;
- a processor; and
- a memory, operably connected with the processor, wherein the processor is operable to perform instructions including
  - displaying a navigable menu on the display device, wherein the menu includes menu icons each audibly represented by a voiced name, the menu icons being capable of being highlighted in any order;
  - highlighting a selected menu icon; and
  - outputting an audible output during the navigation of the menu only after the selected menu icon has been highlighted for a period of time greater than a predetermined amount of time.

The Applicants believe that Bulthius does not anticipate claim 20 at least for the fact that Bulthius does not teach either a display device or a navigable menu that can be displayed on the display device. Bulthius completely relies upon a rotational mechanical mechanism such as a

clickwheel to provide user input in such a way that it can only present a user with selectable options in a serial or linear manner as described above. Moreover, Bulthius cannot use the click wheel to highlight the menu icons as taught by claim 20. Since the click wheel is strictly mechanical in nature, a menu component cannot be highlighted as contemplated by the invention since the invention teaches a display on which the menu icons can be presented and highlighted in any order, not just linearly as required by Bulthius.

Furthermore, Bulthius teaches that an audible signal of some sort (at least a clicking noise) is *always* forthcoming whenever a user moves the click wheel regardless of the speed with which it is moved. For example, if the click wheel moves fast enough, then a clicking sound will be forthcoming, otherwise a sound associated with a number or a name, for example, will be produced. In any case, there is always sound of one form or another being produced.

In contrast the invention provides that any sound (include a vocalization) will be produced only if a menu icon is highlighted for a duration of time greater than a predetermined amount of time otherwise, no audible sound is produced. Accordingly, a user can “feel” around the menu without causing distracting sounds unrelated to navigating the content of the menu from being produced. Furthermore, claim 43 also includes the limitation that the audio file used to produce the vocalization has a user supplied indication of the amount of time required for an icon to be highlighted in order for a vocalization to be produced.

New independent claims 36 and 43 has been added with no new subject matter and recite essentially the same limitations as claim 20 and are also believed to be allowable at least for the reasons stated above. All dependent claims depend either directly or indirectly from claim 20, 36, and 43 are therefore also believed to be allowable.

A number of claims were rejected as being unpatentable under 35 USC 103 for being obvious under Bulthius in view of a number of secondary references none of which provide any relief to Bulthius. Therefore, the Applicant believes that all pending claims are allowable.

## **CONCLUSION**

In view of the foregoing, Applicants believe that all pending claims are allowable and respectfully request a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

Respectfully submitted,  
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